

JO ANN HOWARD &  
ASSOCIATES, P.C., *et al.*,

Plaintiffs,

VS.

J. DOUGLAS CASSITY, *et al.*,

Defendants.

Case No. 4:09CV01252 ERW

## MEMORANDUM AND ORDER

This matter comes before the Court on the “Joint Report Regarding Depositions of Incarcerated Defendants by Plaintiffs and Defendants National City Bank and PNC Bank” [ECF No. 1370]; Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Brent Douglas Cassity, Who is Confined in Prison” [ECF No. 1386]; Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant James Douglas Cassity, Who is Confined in Prison” [ECF No. 1387]; Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Sharon Nekol Province, Who is Confined in Prison” [ECF No. 1388]; Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Randall K. Sutton, Who is Confined in Prison” [ECF No. 1389]; Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Howard Wittner, Who is Confined in Prison” [ECF No. 1390]; and Plaintiffs’ “Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant David R. Wulf, Who is Confined in Prison” [ECF No. 1391].

Upon consideration of the Joint Report Regarding Depositions of Incarcerated Defendants and the motions seeking leave to depose the incarcerated individuals, the Court informs the parties as follows. A security clearance form, a copy of which is attached to this Order, must be completed by each counsel expecting to appear at any of the five named prisons listed in the Joint Report. Counsel who anticipate appearing at more than one prison location, however, need complete only one form to be admitted to any of the five listed prisons. The wardens at all listed prisons are being contacted by a representative of the Probation Office for the Eastern District of Missouri, to notify them of the number of attorneys to be present at each location and to inform them of videoconferencing requirements and telephone connections that need to be available. For attorneys requesting videoconferencing, equipment will be arranged in the Probation Office in the Thomas F. Eagleton Courthouse. If counsel intends to receive a video feed at a location other than the Probation Office, arrangements for location and equipment requirements will be made in advance of the scheduled depositions. Respective counsel shall supply dates at least two weeks before the scheduled depositions. The Court appreciates the cooperation of counsel in preparing the Joint Report. The Court is available by telephone to confer about any issue that may arise in implementing the plan to complete the deposition schedule.

Accordingly,

**IT IS HEREBY ORDERED** that each counsel expecting to appear at any of the five named prisons listed in the Joint Report shall complete a security clearance form, a copy of which is attached to this Order, and shall otherwise comply with the procedures and provisions discussed herein. Respective counsel shall supply dates at least two weeks before the scheduled

depositions occur.

**IT IS FURTHER ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Brent Douglas Cassity, Who is Confined in Prison" [ECF No. 1386] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant James Douglas Cassity, Who is Confined in Prison" [ECF No. 1387] is **GRANTED**.

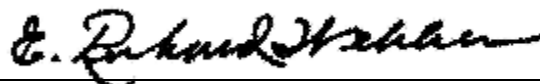
**IT IS FURTHER ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Sharon Nekol Province, Who is Confined in Prison" [ECF No. 1388] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Randall K. Sutton, Who is Confined in Prison" [ECF No. 1389] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant Howard Wittner, Who is Confined in Prison" [ECF No. 1390] is **GRANTED**.

**IT IS HEREBY ORDERED** that Plaintiffs' "Motion to Obtain Leave of the Court Pursuant to F.R.C.P. 30(a)(2)(B) to Depose Defendant David R. Wulf, Who is Confined in Prison" [ECF No. 1391] is **GRANTED**.

Dated this 7th day of February, 2014.



---

E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE